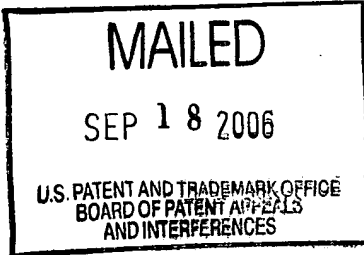


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



---

Ex parte AVI ASHKENAZI et al.

---

Application 09/978,295

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on August 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that appellants filed an Information Disclosure Statement on May 21, 2003 which was partially considered (only the Other Documents section was considered). It is not apparent from the record whether the examiner


considered the Foreign Patent Document (WO 99/33938). A communication notifying appellants of the Primary Examiner's decision regarding WO 99/33938 is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the WO 99/33938 reference appearing in the IDS filed May 1, 2003;
- 2) for written notification to appellants regarding such consideration; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

DMS:psb

Heller Ehrman LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506